

MINUTES

MONTANA SENATE 67th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Keith Regier, on February 24, 2021 at 8:00 A.M., in Room 303 Capitol

ROLL CALL

Members Present in the Committee Room:

Sen. Keith Regier, Chair (R)
Sen. Tom McGillvray, Vice Chair (R)
Sen. Bryce Bennett (D)
Sen. Bob Brown (R)
Sen. John Esp (R)
Sen. Chris Friedel (R)
Sen. Jen Gross (D)
Sen. Steve Hinebauch (R)
Sen. Theresa Manzella (R)

Members Present by Zoom Video Conference:

Sen. Diane Sands, Vice Chair (D)
Sen. Susan Webber (D)

Members Excused: None

Members Absent: None

Staff Present: Julianne Burkhardt, Legislative Branch
Heather Vande-Sandt, Remote Meeting Coordinator
Jacelyn Sterling, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: SB 256, 2/19/2021; SB 259, 2/19/2021; SB 261, 2/19/2021; SB 283, 2/19/2021

Executive Action: SB 261 Do Pass; SB 252 Do Pass; SB 282 Do Pass as Amended; SB 241 Be Tabled

HEARING ON SB 261**Opening Statement by Sponsor:**

08:01:24 Sen. Steve Fitzpatrick (R), SD 10, opened the hearing on SB261, Generally revise laws related to Justice Courts.

Proponents' Testimony: None

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

08:03:48 Sen. Gross
08:04:22 Sen. Fitzpatrick
08:05:04 Sen. Sands
08:05:25 Sen. Fitzpatrick
08:05:49 Sen. Sands
08:05:52 Chair Regier
08:07:00 Sen. Fitzpatrick

Closing by Sponsor:

08:07:33 Sen. Fitzpatrick

HEARING ON SB 259**Opening Statement by Sponsor:**

08:08:11 Sen. Theresa Manzella (R), SD 44, opened the hearing on SB259, Restrict governmental entity from interfering with parental rights.

[**EXHIBIT\(jus39a01\)**](#)

Proponents' Testimony:

08:13:28 Bart Crabtree, president, Council on Judicial Accountability
08:14:09 Cathy Eakin, citizen
08:16:00 Rebecca Schwartz, Whitefish
08:17:19 Jami Kidd, citizen
08:19:52 Lanae Higgins, citizen
08:22:46 Maria Wyrock, citizen
08:26:40 Donna Elford, Helena
08:29:07 Denise Johnson, Montana Child Protection Alliance

Additional Testimony Received:

[**EXHIBIT\(jus39a02\)**](#)

Opponents' Testimony:

08:33:50 Brian Thompson, Montana County Attorneys' Association (MCAA)
08:36:38 Dan Smith, Montana Police Protective Association
08:37:52 Lance Melton, Montana School Boards Association (MTSBA)

[**EXHIBIT\(jus39a03\)**](#)

08:41:38 Jule Walker, MTSBA (see exhibit 3)
 08:42:30 Nicholas Domitrovich, Department of Public Health and Human Services (DPHHS)
 08:46:38 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence (MCADSV)
 08:48:56 Lauren Wilson, Montana Chapter American Academy of Pediatrics (MTAAP)
 08:52:21 Gail Goheen, Corvallis
[EXHIBIT\(jus39a04\)](#)

08:58:19 Lori Harshbarger, Whitehall

Additional Testimony Received:

[EXHIBIT\(jus39a05\)](#)

Informational Testimony: None

Questions from Committee Members and Responses:

09:02:32 Sen. Brown
 09:03:03 Sen. Esp
 09:03:38 Mr. Thompson, MCAA
 09:03:58 Sen. Gross
 09:09:53 Sen. Manzella
 09:10:53 Sen. Brown
 09:13:46 Sen. Manzella
 09:13:55 Sen. Sands
 09:18:38 Ms. Goheen, citizen
 09:19:54 Sen. Webber
 09:20:59 Ms. Young, MCADSV
 09:23:37 Sen. Webber
 09:23:49 Ms. Young
 09:25:40 Sen. Gross
 09:27:12 Sen. Manzella
 09:27:18 Sen. Friedel
 09:32:48 Ms. Goheen
 09:33:28 Sen. Friedel
 09:37:13 Ms. Young
 09:37:34 Sen. Webber
 09:38:09 Mr. Melton, MTSBA
 09:39:42 Sen. Gross
 09:40:07 Ms. Wilson, MTAAP
 09:40:18 Sen. Gross

Closing by Sponsor:

09:40:32 Sen. Manzella

HEARING ON SB 283

Opening Statement by Sponsor:

09:45:18 Sen. Carl Glimm (R), SD 2, opened the hearing on SB283, Generally revise laws regarding firearms on school grounds.

Proponents' Testimony: None

Opponents' Testimony:

09:53:01 Lance Melton, Montana School Boards Association (MTSBA); Montana Public Education Groups (MTPEG)

EXHIBIT(jus39a06)

Additional Testimony Received:

EXHIBIT(jus39a07)

Informational Testimony: None

Questions from Committee Members and Responses:

10:01:38 Chair Regier
10:04:29 Mr. Melton, MTSBA, MTPEG
10:05:14 Sen. Webber
10:06:27 Sen. Glimm
10:06:36 Sen. Webber
10:06:53 Sen. Sands
10:07:53 Sen. Glimm
10:11:46 Sen. Sands
10:11:52 Sen. Hinebauch
10:12:51 Sen. Glimm

Closing by Sponsor:

10:14:53 Sen. Glimm

HEARING ON SB 256

Opening Statement by Sponsor:

10:15:18 Sen. Pat Flowers (D), SD 32, opened the hearing on SB256, Revise hunter harassment laws.

Proponents' Testimony:

10:18:39 Nick Gevock, Montana Wildlife Federation (MWF)
10:20:06 Drewry Hanes, Public Land Water Access Association
10:23:45 John B. Sullivan, chairman, Montana Chapter of Backcountry Hunters and Anglers

Opponents' Testimony:

10:26:10 Shelby DeMars, United Property Owners of Montana (UPOM)

Informational Testimony: None

Questions from Committee Members and Responses:

10:28:23 Sen. Hinebauch
10:29:41 Mr. Gevock, MWF
10:30:56 Sen. Hinebauch
10:31:54 Ms. DeMars, UPOM
10:33:27 Chair Regier

10:35:09 Sen. Flowers
 10:36:22 Sen. Manzella
 10:38:50 Sen. Flowers
 10:39:37 Sen. Sands
 10:40:21 Sen. Flowers
 10:41:09 Sen. Sands
 10:41:18 Julianne Burkhardt, Legislative Services Division (LSD)
 10:41:26 Sen. Gross
 10:41:37 Chair Regier
 10:41:44 Ms. DeMars
 10:42:13 Sen. Gross
 10:42:47 Ms. Burkhardt, LSD

Closing by Sponsor:

10:43:01 Sen. Flowers

 10:46:47 Chair Regier

 10:47:00 Recess
 11:00:35 Reconvene

Sen McGillvray was excused.

EXECUTIVE ACTION ON SB 282

11:00:50 **Motion:** Sen. Manzella moved that **SB 282 DO PASS.**

Motion: Sen. Manzella moved that **SB 282 BE AMENDED.**

EXHIBIT(jus39a08)

Discussion:

11:01:19 Chair Regier
 11:01:38 Sen. Manzella

11:02:16 **Vote:** Motion carried 7-4 by roll call vote with Sen. Bennett, Sen. Gross, Sen. Sands and Sen. Webber voting no. Sen. McGillvray voted by proxy.

11:02:49 **Motion:** Sen. Manzella moved that **SB 282 DO PASS AS AMENDED.**

Discussion:

11:03:07 Sen. Gross
 11:04:21 Sen. Sands
 11:05:54 Sen. Esp

11:07:32 **Vote:** Motion carried 6-5 by roll call vote with Sen. Bennett, Sen. Esp, Sen. Gross, Sen. Sands and Sen. Webber voting no. Sen. McGillvray voted by proxy.

EXECUTIVE ACTION ON SB 252

11:08:29 **Motion:** Sen. Esp moved that **SB 252 DO PASS.**

Discussion:

11:08:36 Chair Regier

11:08:47 Sen. Esp

11:09:29 **Vote:** Motion carried 6-5 by roll call vote with Sen. Bennett, Sen. Esp, Sen. Gross, Sen. Sands and Sen. Webber voting no. Sen. McGillvray voted by proxy.

EXECUTIVE ACTION ON SB 241

11:10:23 **Motion:** Sen. Esp moved that **SB 241 DO PASS.**

11:10:36 **Motion/Vote:** Sen. Sands moved that **SB 241 BE AMENDED.** Motion carried 8-3 by roll call vote with Sen. Friedel, Sen. Manzella and Sen. K. Regier voting no. Sen. McGillvray voted by proxy.

EXHIBIT(jus39a09)

11:12:17 **Motion:** Sen. Esp moved that **SB 241 DO PASS AS AMENDED.**

Discussion:

11:12:36 Sen. Sands

11:13:09 Chair Regier

11:14:04 Sen. Webber

11:15:09 **Vote:** Motion failed 4-7 by roll call vote with Sen. Bennett, Sen. Gross, Sen. Sands and Sen. Webber voting aye. Sen. McGillvray voted by proxy.

11:15:50 **Motion/Vote:** Sen. Esp moved that **SB 241 BE TABLED.** Motion carried 9-2 by voice vote with Sen. Sands and Sen. Webber voting no. Sen. McGillvray voted by proxy.

EXECUTIVE ACTION ON SB 261

11:17:00 **Motion:** Sen. Esp moved that **SB 261 DO PASS.**

Discussion:

11:17:19 Sen. Sands

11:17:40 Chair Regier

11:17:50 Sen. Hinebauch

11:18:00 **Vote:** Motion carried 10-1 by roll call vote with Sen. Sands voting no. Sen. McGillvray voted by proxy.

Committee Business:

11:18:41 Chair Regier

11:19:38 Sen. Sands

11:19:59 Chair Regier

11:20:31 Sen. Sands

ADJOURNMENT

Adjournment: 11:20 AM

Jacelyn Sterling, Secretary

js

Additional Documents:

EXHIBIT([jus39aad.pdf](#))